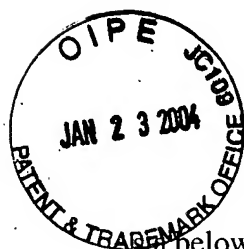


Express Mail Label No.: EV 328187391 US

Date of Deposit: January 23, 2004

Attorney Docket No. 15966-557PO (Cura-57PO)



**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

I, the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a utility patent is sought on the invention entitled:

**METHODS FOR DIAGNOSING AND TREATMENT OF CONDITIONS THAT ALTER
PHOSPHATE TRANSPORT IN MAMMALS**

the specification of which is filed with the United States Patent and Trademark on August 20, 2003, given United States Serial No. 10/644,349 and bearing Attorney Docket No. 15966-557PO (CURA-57PO).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

| Appln. Number | Country (if PCT, so indicate) | Filing Date (dd/mm/yy) | Priority Claimed | |
|------------------|----------------------------------|----------------------------|--------------------------|--------------------------|
| | | | Yes | No |
| | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> |

Confirmation No.: 5850

Filed: August 20, 2003

I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| Application No. <i>(U.S.S.N.)</i> | Filing Date <i>(dd/mm/yy)</i> | Status <i>(Patented, Pending, Abandoned)</i> |
|---|---|--|
| 60/449,293 | 21/02/03 | Pending |
| | | |

PCT International Applications designating the United States:

| PCT International Application No. | PCT Filing Date | Status |
|--|------------------------|---------------|
| | | |

I hereby appoint the attorneys and/or agents associated with Mintz Levin Cohn Ferris Glovsky & Popeo, Customer Number 30623 and Wendy Davis, Reg. No. 38,427, Kausalya Santhanam, Reg. No. 53, 552, Edward Timmer, Reg. No. 46,248, and George Yahwak, Reg. No. 26,824, all of CuraGen Corporation, 555 Long Wharf Drive, 9th Floor, New Haven, CT 06511 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all telephone calls to Ivor Elrifi at telephone number 617/348-1747 and, Address all correspondence to Customer Number 30623.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



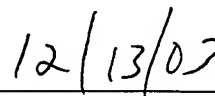
Inventor's Signature: Richard Shimkets

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Residence: 5 Indian Meadows Drive, Guilford, CT 06437

Post Office Address: Same



Date